



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**Washington, DC 20460**

OFFICE OF  
GENERAL COUNSEL

Marianne Lavelle  
2642 North Quantico Street North  
Arlington, VA 22207  
Sent Via Email: [marianne.lavelle@insideclimatenews.org](mailto:marianne.lavelle@insideclimatenews.org)

Re: Freedom of Information Act Request No. EPA-2021-004188

Dear Ms. Lavelle:

This letter serves as the final response to the above-referenced Freedom of Information Act (FOIA) request. Your request was received by the U.S. Environmental Protection Agency (EPA or Agency) on May 11, 2021, requesting electronic copies of any memos or email correspondence, along with attachments, to or from Matthew Z. Leopold, former general counsel of the Environmental Protection Agency, occurring in 2020 related to the column he published on Bloomberg Law on August 10, 2020, entitled: Insight: Judicial Wins Reduce Regulatory Burdens. <https://news.bloomberglaw.com/environment-and-energy/insight-epa-general-counsel-judicial-wins-reduce-regulatory-burdens>. In particular: (1) Any memo or list of cases developed by Mr. Leopold that supports the statement in his column: "the EPA has prevailed in approximately two-thirds of cases decided over the last three years that challenged significant environmental actions taken during this administration." (2) Any correspondence from or to Mr. Leopold that contains the key words: "judicial track record", "judicial record", "win-loss", "wins and losses", "victories", "EPA has prevailed", "Losing record", "Winning record", "Record in the courts", "Judicial scorecard", "Record before judges", and "Record in major cases".

The Agency has concluded its search for records responsive to your request. EPA is releasing these records with redactions. Portions of the records were withheld pursuant to 5 U.S.C. § 552 (b)(5) and (6). The information is exempt from disclosure as it is pre-decisional and deliberative and would harm agency decision-making if released, confidential communication between an attorney and client or contains personal information which would result in an unwarranted invasion of personal privacy if released. EPA identified the applicable exemptions in the redaction overlay text on the records.

This letter concludes our response to your request. You may appeal this determination by email at [hq.foia@epa.gov](mailto:hq.foia@epa.gov), or by mail to the EPA's National FOIA Office, U.S. EPA, 1200 Pennsylvania Avenue, N.W. (2310A), Washington, DC 20460 or through FOIAonline if you are an account holder. If you are submitting your appeal by hand delivery, courier service, or overnight delivery, you must address your correspondence to 1200 Pennsylvania Avenue, N.W., WJC-N Building, Room 7309C, Washington, DC 20460.

Your appeal must be in writing, and it must be received no later than 90 calendar days from the date of this letter. The Agency will not consider appeals received after the 90-calendar-day limit. Appeals received after 5:00 p.m. EST will be considered received the next business day. The appeal letter should include the FOIA tracking number listed above. For quickest possible handling, the subject line of your email, the appeal letter, and its envelope, if applicable, should be marked "Freedom of Information Act Appeal."

If you need any further assistance or would like to discuss any aspect of your request, you may seek assistance from EPA's FOIA Public Liaison at [hq.foia@epa.gov](mailto:hq.foia@epa.gov) or call (202) 566-1667. You may also seek assistance from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001; email: [ogis@nara.gov](mailto:ogis@nara.gov); telephone: (202) 741-5770 or (877) 684-6448; or fax: (202) 741-5769. For all media inquiries, please contact [press@epa.gov](mailto:press@epa.gov).

If you have any questions concerning this response, please contact my colleague, Shan Anderson at [Anderson.Shanquetta@epa.gov](mailto:Anderson.Shanquetta@epa.gov) or 202-564-8778.

Sincerely,

Daniel H. Conrad  
Acting Associate Deputy General Counsel